

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT
INTERIM COMMITTEE**

Wednesday, October 16, 2013 – 10:30 a.m. – Room 30 House Building

Members Present:

Sen. Scott K. Jenkins, Senate Chair
Rep. Michael E. Noel, House Chair
Sen. Allen M. Christensen
Sen. Jim Dabakis
Sen. David P. Hinkins
Sen. Peter C. Knudson
Sen. Ralph Okerlund
Rep. Jerry B. Anderson
Rep. Roger E. Barrus
Rep. Melvin R. Brown
Rep. Brad L. Dee
Rep. Jack R. Draxler
Rep. Susan Duckworth

Rep. Stephen G. Handy
Rep. Ken Ivory
Rep. John G. Mathis
Rep. Mike K. McKell
Rep. Merrill F. Nelson
Rep. Marie H. Poulson
Rep. Douglas V. Sagers
Rep. R. Curt Webb
Rep. Larry B. Wiley

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. RuthAnne Frost, Associate General Counsel
Ms. Anna M. Allen, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Jenkins called the meeting to order at 10:47 a.m.

MOTION: Rep. Noel moved to approve the minutes of the September 18, 2013, meeting. The motion passed unanimously with Rep. Dee, Rep. Draxler, Rep. Ivory, Rep. Mathis, and Rep. Sagers absent for the vote.

2. Utah Outdoor Recreation Report

Mr. Brad Peterson, Director, Utah Office of Outdoor Recreation, distributed and discussed "Utah Outdoor Recreation Office." Mr. Peterson talked about the vision statement, objectives, and upcoming events of the office. He also responded to questions from the committee.

3. Management Plan for Water Conveyance Facilities

Mr. Dennis Strong, Director, Division of Water Resources, distributed "Water Conveyance Facility Safety Management Plans: Understanding 2010 House Bills 60 and 298." Mr. Strong discussed water conveyance facilities reporting requirements that are intended to improve canal safety in areas where potential risk to human life or extensive economic loss exist. He expressed concern about how canal companies can comply with the Water Conveyance Facilities Safety Act, since funding is limited. He concluded by saying that the Division of Water Resources is in compliance with the act. Mr. Strong responded to questions from the committee.

Mr. Max Reese, Secretary, Little Cottonwood Tanner Ditch Company, commented that smaller irrigation companies may not have the resources to comply with 2010 General Session H.B. 60, "Water Conveyance Facilities Safety Act," and H.B. 298, "Land Use Authority Notification of Canal Development."

Ms. Susan Despain, North Despain Ditch and North Despain Extension Ditch, stated that because of H.B. 60 "Water Conveyance Facilities Safety Act" and H.B. 298 "Land Use Authority Notification of Canal Development," North Despain Ditch and North Despain Expansion Ditch fall under the same

requirements as a municipality, despite their small size. Ms. Despain expressed her opinion that there should be an exception from certain water conveyance facility requirements for small-flow ditches.

Mr. Strong stated that he would be retiring effective November 1, 2013. Chair Jenkins expressed his appreciation to Mr. Strong for his contributions to the state throughout his career.

4. Water Pollution Reduction

Mr. Walt Baker, Director, Division of Water Quality, distributed "Fact Sheet: Nutrient Pollution in Utah." He discussed the importance of nutrients, but also how an excess in nutrients can be problematic in water sources. He stated five ways the division recommends addressing the issue of nutrient pollution in Utah:

- Use technology at waste water treatment plants to improve water quality.
- Focus on and protect pristine headwaters.
- Examine individual water sources and set nutrient standards accordingly.
- Utilize the Agriculture Certificate of Environmental Stewardship program.
- Ensure that solutions to nutrient pollution are Utah specific rather than federal.

Mr. Craig Walker, Coordinator, Aquatic Section, Utah Division of Wildlife Resources, discussed the benefits of fisheries to Utah. He emphasized the need to maintain balance in the nutrients in water sources, specifically in the reservoirs that house Utah fisheries. Mr. Walker stated that the Division of Wildlife Resources will continue to work with the Division of Water Quality to address the issue of nutrient pollution in the state.

Mr. Jack Ray, Utah Waterfowl Association, discussed the background of waterfowling in Utah. He stated that water quality is an important concern for the Utah Waterfowl Association, not only for recreational purposes, but for the aesthetic value as well. He continued by saying that when water sources are affected by nutrient pollution, the wildlife that uses the water is also affected.

Dr. Paul Jakus, Department of Applied Economics, Utah State University, distributed "Monthly Per Household Benefits of Nutrient Reduction Program," which showed the results of a study on the economic benefits of reduced nutrients in Utah water sources. Dr. Jakus said that, according to the first component of the study, Utah residents prefer to recreate at water sources that have a lower nutrient concentration. He then talked about the second component of the study, which examined how households that do not use Utah water sources for recreation may also still value water quality. He stated that households that do not use Utah water for recreation are content with simply preventing further water pollution and do not want to pay for additional improvements to water quality.

Mr. Leonard Blackham, Commissioner, Department of Agriculture and Food, distributed and discussed "Agriculture Certificate of Environmental Stewardship [ACES] Changes to Utah Code in the Utah Conservation Commission [UCC]." He discussed how the department recommends a two-pronged approach to address nutrient pollution in Utah.

Committee discussion followed.

5. State Water Development Commission Report

The committee did not discuss this agenda item.

6. Executive Water Task Force Report

Mr. Michael Styler, Director, Department of Natural Resources, distributed a handout outlining Executive Water Task Force recommended legislation. He also indicated that the task force does not support either of the proposed 2013 bills regarding shareholders rights change applications.

MOTION: Rep. Noel moved to open a priority bill file for item #1 on Mr. Styler's handout, as well as a priority bill file combining items #2, 3, 4, and 5 into one bill, with the intent that the bills be discussed at the November interim meeting. The motion passed unanimously with Sen. Dabakis, Sen. Knudson, Rep. Dee, and Rep. Handy absent for the vote.

7. Wolf Management in Utah

Mr. Tim Osterstock, Audit Manager, and Karleen Capell, Audit Lead, Office of the Legislative Auditor General, presented "Report Number 2013-11, A Review of Appropriated Wolf Management Funds." Mr. Osterstock discussed concerns regarding the management of wolf funds:

- There was a lack of written legislative direction on how to use the funds.
- The accountability clause was removed after the initial contract.
- There were questions regarding the method of payment and lack of planning for how funds are to be spent.
- There was commingling of state funds.

Mr. Osterstock responded to questions from the committee.

Mr. Greg Sheehan, Director, Division of Wildlife Resources, discussed the division's response to the audit. He stated the appropriations were distributed legally and appropriately, the funds were used according to the state contract, and the division was unaware of the need to track the state funds separately from other funds. Mr. Sheehan also reported that the division believes it is being successful in its delisting efforts.

MOTION: Rep. Mckell moved that the committee authorize the chairs to send a letter to the US Fish and Wildlife Service showing the committee's support for the delisting of wolves from the endangered species list. The motion passed with Rep. Wiley voting in opposition and Sen. Dabakis, Sen. Knudson, Rep. Dee, and Rep. Webb absent for the vote.

Mr. Kirk Robinson, Executive Director, Western Wildlife Conservancy, distributed "The Big Scam" and discussed his concerns with the work of Big Game Forever on the delisting of wolves. Mr. Robinson talked about the lack of accounting of the appropriated funds, the departure from the original contract in the payment to Big Game Forever, and the need for more solid research into the environmental impact of wolves on the state.

Mr. Ryan Benson, Big Game Forever, recommended state management of wolves and expressed appreciation to the Legislature, the governor's office, and the congressional delegation for their efforts on this issue.

Mr. Keith Mark, TV show host and attorney, showed a short video clip that examined the wolf issue. Mr. Mark also commended committee members for their work.

8. Other Items/Adjourn

Mr. Paul Van Dam, member of the public, distributed and discussed a letter regarding the Lake Powell Pipeline project. He stated that recent studies on the economic impacts of the project have found the cost is prohibitive, and he expressed concern regarding how the pipeline will be financed. He recommended that the committee seek help from water experts in Utah to determine whether the state can afford the project or if the state should instead focus more on conservation.

MOTION: Rep. Noel moved to adjourn the meeting. The motion passed unanimously with Sen. Christensen, Sen. Dabakis, Sen. Hinkins, Sen. Knudson, Sen. Okerlund, Rep. Dee, Rep. Poulson, and Rep. Webb absent for the vote.

Chair Jenkins adjourned the meeting at 1:09 p.m.